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THE ILLINOIS LEGISLATIVE PROCESS

by SAMUEL K. GOVE and GILBERT Y. STEINER

THE INSTITUTE OF GOVERNMENT



and PUBLIC AFFAIRS

ILLINOIS HISTORICAL SURVEY

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BY **SAMUEL K. GOVE**
AND **GILBERT Y. STEINER**

UNIVERSITY OF ILLINOIS
INSTITUTE OF GOVERNMENT AND PUBLIC AFFAIRS
URBANA, ILLINOIS JUNE, 1954

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FOREWORD

The Institute of Government and Public Affairs, established by the University of Illinois Board of Trustees pursuant to a resolution adopted by the 1947 General Assembly, is directed to undertake a number of functions. This study of the Illinois General Assembly is a product of two types of activity included within the Institute's mandate: (1) to provide practical instruction in government and public affairs to the students of the University of Illinois, through the sponsoring of lectures and seminars; and (2) to investigate problems in government and to make the results of studies freely available.

Staff members of the Institute, over the past five years, have worked directly with Illinois legislative commissions created to study governmental problems and have had unusual opportunities to observe the work of the General Assembly. The authors have had close and especially valuable contact with the Illinois legislative process on both a formal and informal basis. Mr. Samuel K. Gove served, in 1950 and 1951, on the staff of the Commission to Study State Government and Dr. Gilbert Y. Steiner, from 1951 to 1953, served as research associate with the Municipal Revenue Commission. The authors worked with the legislative leaders of both parties in seeing the work of the commissions through the legislative sessions, and in aiding in the preparation of legislation. Mr. Gove is currently serving on the research staff of the State Personnel Administration Commission created by the 1953 General Assembly.

In carrying out its function of providing opportunity to University of Illinois students to study the practical operation of government, the Institute of Government and Public Affairs, with the Department of Political Science, in 1953 sponsored four lectures on the campus dealing with the Illinois General Assembly. These lectures were given by legislative leaders of both political parties in the two houses: Speaker Warren Wood, Representative Paul Powell, Senator George Drach and Senator William J. Lynch. The authors have quoted liberally from the lectures.

The Institute of Government and Public Affairs gratefully acknowledges its debt to the four legislators for their cooperation in making the lectures possible and for their willingness to review the manuscript, thereby assisting in its development. Other legislators assisted unknowingly by serving as guides and mentors in aiding the Institute staff to gain a better understanding of the legislative process in the Illinois General Assembly and to them the staff expresses its thanks.

Professors Charles M. Kneier, Clyde F. Snider, Neil F. Garvey, Rubin

G. Cohn, Murray Edelman, and Tom Page, of the University of Illinois; Dr. Jack F. Isakoff of the Illinois Legislative Council; and Dr. Richard G. Browne of the Teachers College Board, have read and commented on preliminary drafts and their assistance is gratefully acknowledged.

As is the case in all studies published by the Institute, maximum freedom has been accorded the authors. The views expressed and the conclusions reached are theirs.

ROYDEN DANGERFIELD, Director

Institute of Government and Public Affairs

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THE FRAMEWORK FOR ACTION

The Illinois General Assembly is a bicameral legislative body convening in regular session at the state capitol in Springfield in January of every odd-numbered year. Fifty-one Senators are elected for four year terms from single member districts, while 153 Representatives are chosen, three from each Senatorial district, for two year terms by means of a cumulative voting system which usually permits the minority party in each Senatorial district to win one of the three seats. The Constitution establishes no terminal date for the session, but adjournment by June 30 is the established practice. By constitutional directive, bills may originate in either house, and, on final passage, "the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house."¹ Each house is the judge of the qualifications of its own members, elects its own officers (except that the Constitution makes the Lieutenant-Governor presiding officer of the Senate), and determines its own rules of procedure.

This paper deals only with selected aspects of Illinois General Assembly activity. The paper does not attempt systematically to describe organization or procedures in the manner of a manual, but rather seeks to highlight and analyze those elements that are of particular importance in understanding how the General Assembly works. Although the 1953 session is used as a focal point, and most of the illustrative material is drawn from that assembly, this is not intended to be a chronicle of any particular legislative session. It is an effort to generalize about the Illinois legislative process on the basis of observation, participation, interview and study.

¹ *Illinois Constitution of 1870*, Article IV, section 12.

Membership

Lawmaking is a part time occupation for all but a few members of the Illinois General Assembly. Participation in legislative activity is neither sufficiently demanding, sufficiently lucrative, nor sufficiently secure for members to abandon professional or business interests. Consequently, one of the most striking phenomena in the Illinois legislative houses is the continuing struggle of the members, as individuals, to find a satisfactory adjustment between their public and private pursuits.

The same struggle is to be found in the case of many public officials on all governmental levels. Governors, congressmen, state and federal judges all have continuous public duties and are expected to give up, or at least sharply to curtail active participation in private pursuits. While the situation is not peculiar to state legislators, it is most pronounced for them because legislative sessions have a limited life span—in Illinois, approximately six months. The members view their service in Springfield as a “legislative interlude.” It is not surprising that the General Assembly has recorded its official impatience with procedures that result in the “energy of large numbers of legislators being . . . diverted from their professions and livelihoods.”²

There is no reason to expect the concern for legislative business to be either exclusive or dominant in the affairs of any member. This does not mean that the Illinois legislature is split into occupational blocs. Lawyers are the largest single occupational group, but little cohesion as lawyers is evident among this thirty percent of the membership. In matters of judicial revision, compensation for court appointed counsel, grand jury terms, amendments to the civil practice act, and other issues of special interest to lawyers, their voting behavior has been more in accord with a political party interest or a regional interest than an occupational interest. This is not to suggest that individual lawyers have or have not been swayed by the nature of their clientele, but only that there is no apparent general tendency for attorneys to act as a group.

Fewer than ten percent of the members are farmers, a circumstance that is surprising in a legislature that has not been reapportioned in over fifty years. The only other occupation with a consistently significant representation is that of insurance agent — about 1/20 of the total membership. Professional educators rarely sit in the General Assembly, although the dean of an unaffiliated Chicago law school has served for fourteen years. An occasional clergyman, a medical doctor or two, a few local government employees, and small businessmen fill out the roster. Students, social workers, engineers, accountants and bankers are some of the occupational groups

² *Laws of Illinois, 1937*, p. 211.

that are infrequently represented, and are usually dependent on other groups for access to the legislature in Illinois.³

One out of four members is new when the regular session convenes in January of every odd-numbered year, but this experience ratio should be trimmed down by ten to fifteen percent to account for "new" members who have had prior but not continuous service.⁴ Intercameral movement is almost all one way — from the House to the Senate — and three or four Representatives have graduated at most recent elections and thereby acquired a four year term and an increase in relative voting strength from 1:153 to 1:51, but almost no other perquisites of significance.

Indeed, a move to the Senate can diminish a legislator's security. The Illinois system of cumulative voting is designed to insure minority party representation in the House. This constitutional provision has been implemented by a statutory grant of authority to the various state senatorial party committees to determine the number of candidates each party will place on the ballot for the three House seats at each general election. The effects of giving the committees this determination have been materially to reduce the number of candidates and the number of contests and to afford minority representation in districts dominated by one party. It has become the practice in many districts to name two candidates from one party and one candidate from the other thereby assuring the election of all primary winners, assuming that no independent candidates file. Plainly, some

³ Complete occupational breakdown of the 68th General Assembly as furnished by the members is as follows:

Senate: Lawyers — 34, Farmers — 3, Insurance — 5, Brokers — 2.
Newspaper — 2, Other occupations — 13.

House: Lawyers — 37, Farmers — 12, Legislators — 10, Insurance — 8, Real Estate — 4, Real Estate (investment and insurance) — 4, Lawyer and Farm Manager — 3, Merchant — 3, Retired — 3, Salesman — 3, Automobile Sales — 2, Banker and Farmer — 2, Electrical Business — 2, Homemaker — 2, Physician — 2, Publisher — 2, Secretary — 2, Other occupations — 50.

Source: Sixty-eighth General Assembly, *Handbook, Illinois Legislature*, 1953, pp. 15, 117f.

⁴ The rate of turnover of new members in the 68th General Assembly was less than in the 67th session, but in line on a percentage basis with the pattern in recent years. The number of new members in the 1951 session was 52 (11 Senators and 41 Representatives) as contrasted with the 49 new members in the 1953 session. The House, as would be expected, had a somewhat larger turnover in membership at the 1953 session than did the Senate. There were 37 new members in the former chamber, of whom 21 were Republicans. Eight of the "new" members had served in at least one previous session. Twenty-one of the 37 new members came from downstate districts. The Senate's new contingent consisted of twelve, all downstate Republicans. Four of the twelve new Senators had been "promoted" from the House, and one of those promoted had previously served one term in the Senate.

For a detailed study of the rate of turnover in the Illinois legislature, see George S. Blair "The Case for Cumulative Voting in Illinois," *Northwestern University Law Review*, v. 47 (July-August 1952), p. 354.

legislators are able to protect their own seats in the general election by throwing their influence against any attempt by their party to contest other seats in the district. "He never lets them run more than one," is said about at least one veteran House member who is regularly the only nominee of his party. In the November, 1952 general election, contests were held in only 23 of the 51 districts, and in only one of these were more than four candidates seeking the three seats. This high measure of security is not available to members of the Senate. There are so-called "safe" districts for Senators but they are not safe to the extent of being uncontested after the primary.

Although the Constitution authorizes the Governor to call a special election to fill a vacancy in either house, the practice is to leave unfilled House seats vacated by death or resignation, but to fill, by special election, Senate seats that become vacant prior to the second session of the term. The effect of leaving seats vacant is to make the passage of legislation more difficult because of the constitutional limitation that "no bill shall become a law without the concurrence of a majority of the members elected to each house." The vacant seat thus becomes, in effect, a "no" vote.⁵

Each house is the judge on the seating of its own members. Although election contests are relatively frequent, and occasionally a member is unseated, final decisions are usually delayed to a date well beyond the organizing period, and during the interim the candidate certified by the Governor serves without prejudice.

Apportionment

I know members of the House of Representatives who, if you reinstated the rack, would not vote for reapportionment that would permit the county of Cook to dominate the legislature, either at the Senate or at the House level.⁶

In 1901, the General Assembly last complied with the constitutional directive to apportion the state every ten years so that 51 districts would be created, none of which would include less than 4/5 of the state's total population divided by fifty-one.⁷ There appears to be no chance that any General Assembly will conform to the directive, and the success, in 1953, of a resolution to propose a constitutional amendment which would change the method of apportionment is considered an extraordinary achievement.⁸

⁵ There was one Senate vacancy caused by the death of an incumbent before the convening of the 1953 session, and another seat became vacant on the first day of the session upon the resignation of a Senator who had been elected to state office. Three House seats became vacant on the death of members, one before the convening of the session and two during the session.

⁶ Speaker Warren Wood — lecture, University of Illinois, April 23, 1953.

⁷ *Illinois Constitution of 1870*, Article IV, section 6.

⁸ Senate Joint Resolution 32, Sixty-eighth General Assembly. (Subsequent to the original publication of this bulletin, the amendment was ratified at the 1954 general election.)

Any constituent of a member, or any group composed of constituents of a member, may find its influence to be related to the size of the legislator's district. Where a combination of 12,047 votes can elect a member, as in Illinois' 17th district, he may be expected to be more responsive to any cohesive group of 1,000 say, than a member who needs 253,451 votes to retain his seat, as in the 7th district. In fact, thirty-six of the fifty-one districts have a population below the state ratio, and twenty-eight districts have a population below the minimum allowed by the Constitution.

The status quo in apportionment has not been protected by either political party as a way of maintaining relative strength. The five smallest districts are Democratic, and the six largest districts are, with one exception, Republican but party control has been less of an issue than the present assignment of only 19 districts to Cook County and 32 districts downstate. The state's population is now approximately evenly divided between the two areas.

Compensation and Perquisites

If any member of the legislature went down there just for the money, I don't think we would have anybody that would run for office.⁹

Members of the Illinois General Assembly are among the higher paid state legislators in the United States. Salaries have been raised from the 1895 level of \$3,000 per session to \$3,500 in 1915, \$5,000 in 1937, \$6,000 in 1947, and finally to \$10,000 beginning with the 1953 session. A larger sum is paid only by New York, and legislators there meet annually. The General Assembly has given no indication as to whether it intends the increased salaries to reflect only the increased cost of living, or whether it is seeking to move in the direction of making the compensation adequate to merit full time employment on legislative matters. In addition, Illinois legislators benefit from one of the more liberal state legislative pension plans.

During the session, members, of course, are obliged to maintain Springfield residences. Most legislators put up at a hotel, a few seek out more permanent arrangements, but in either case it is not possible to do more than barely break even, if that, on the weekly expense allowance computed at \$.10 a mile for one round trip between the member's home and the capitol. Interim commission appointees are usually partly compensated for the burden of additional work by a per diem for room, board and miscellany in addition to the mileage allowance.

Additional expenses, not deductible for federal income tax purposes are incurred at regular intervals for campaigning. There is a small stationery allowance for each member which is adequate only because state legislators are not recipients of the quantities of mail that come to a Congressman and because many Illinois legislators do not seem to feel a compulsion to respond

⁹ Representative Paul Powell, Minority Leader — lecture, University of Illinois, April 23, 1953.

personally to letters from any but their own constituents. There is no allowance to individual members for clerical or stenographic help, although such service is provided through central pools.

A limited amount of housekeeping patronage is at the disposal of the leadership. In addition to the Secretary, Sergeant-at-Arms, Postmaster and Enrolling Clerk who are designated officers of the Senate, four positions are assigned to the President of the Senate, and 60 additional positions, ranging from pages at \$8.00 per diem to an assistant secretary at \$18.00 per diem, were created at the 1953 session. On the House side, the equivalent four officers were established, five employees were assigned to the Speaker, and 95 additional positions were set up.

Leadership and Committee Structure

As leader, I appoint minority members to committees. I take into consideration their past experience, what committees they served on previously, and their business or professional activities in order to assign my people to those committees where they will not only render best service to the legislature and to the people of Illinois, but will at times remember that they are Democrats.¹⁰

The practice of seniority in the Illinois General Assembly is, at best, casual, which helps to explain frequent competition for leadership posts. Seniority controls the order in which members' seat location preferences are honored, but it alone does not determine either committee appointments or chairmanships. Moreover, party leadership is not necessarily continuous, and it is not unusual to have several changes in these positions from session to session even though there is no change in the controlling party. For example, there is no sure continuity as Speaker, and a former Republican speaker sat in both 1951 and 1953 as a member of the House. The Speaker, himself reelected, named a new floor leader in 1953 passing over the member who held this position in 1951. The Senate majority chose a new President pro tempore and a new whip, and the minority changed leadership. The president pro tem position had been left vacant by death, but the Democrats elected a new minority leader over the objections of the Chicago "regular" who had held the position in the 1951 session and was a candidate to succeed himself.

Legislative leadership is forthcoming from the Governor of Illinois. The Senate majority whip described the procedure during the 1953 session:

Every Monday night the Speaker of the House, the majority leader of the House, the majority whip of the House, the President pro tem of the Senate, the majority whip of the Senate meet with the Governor on the subject of legislation pending or proposed, in connection with which we generally invite the proponents of any particular measure that is then very current, or the chairman of the committee before which some spe-

¹⁰ Senator William Lynch, Minority Leader — lecture, University of Illinois, April 30, 1953. See Appendix A for statistics on party strength in recent years.

cial and important legislation is pending. We go over the legislation, its potentialities, its possibilities, whether it is feasible, whether it is desirable, and we thresh it out as well as we know how.¹¹

Some measures never make the Monday night meetings and floor leaders have been known to ask a bill's sponsor during a committee hearing whether a proposal has been cleared with the Governor. Policy decisions do not seem to be reached in comparable conferences on the minority side. During the 1953 legislative session, no regular meetings were held between House and Senate Democratic leaders. Although caucuses were frequent among Democrats in each chamber, little planned intercameral cohesion existed between minority members. This circumstance is partly explained by the fact that the minority is not expected to offer a positive program, and its leaders are therefore unconcerned with strategic problems of timing, lining up votes and precise language. A sort of vicious circle develops wherein the minority minimizes bicameral party organization because it eschews positive policy responsibility, a decision which, in turn, precludes the need for bicameral party organization.

The House is geared to a system of smooth communication between the leadership and the rank and file members. Under the rules, the Speaker and the majority and minority leaders and whips serve as members *ex officio* of all committees. Although the floor leaders on both sides do appear at committee sessions, vote and watch how others vote, the Speaker, perhaps out of deference to the idea that he is the Speaker for the whole House, rarely participates in the partisan debates either on the floor or in committee. In the 1953 session, the Speaker spoke from the floor only once, when he made an effective appeal for support of the reapportionment resolution.¹²

The use of the electrical voting device in the House during the last two sessions would also seem to improve the chances for obedience to leaders because communication is carried out through red and green lights on the big board at the front of the House chamber. Members can watch the board to see how the leaders vote, and a party regular whose name comes early in the alphabet can postpone casting his vote until his leader snaps either the red or the green. Prior to the electric roll call, of course, it was frequently inconvenient for a party leader whose name came in the lower third of the alphabet to make his vote known before many members on his side had voted. With the present technique, there need be no uncertainty. Indeed,

¹¹ Senator George Drach, Majority Whip — lecture, University of Illinois, April 30, 1953.

¹² During the 1953 session, the Lieutenant-Governor was permitted, by suspension of the rules with unanimous consent, to enter into the debate on a bill to create a Commission on Equal Job Opportunities. His participation was rather unusual as the Lieutenant-Governor, unlike the Speaker of the House, is principally an executive officer and has no inherent right to take part formally in the development of legislation.

some members will watch carefully to see whether the leader of one party and one of his lieutenants snap the same light. Agreement between these two is said to signal party regulars to fall in line, disagreement to authorize a so-called free vote.

Committee chairmen who, in the first instance, determine whether and when a bill will be heard are not chosen in accord with any regularly established practice, although, other things being equal, the incumbent can usually expect reappointment. In at least one of the two most recent sessions, an influential veteran of fourteen sessions was without a chairmanship, a House member serving his second term became chairman of an important committee, a Senator was refused reappointment as head of a committee by way of discipline for lack of party regularity. The House and Senate Rules Committees were chaired by the Speaker and President pro tem respectively, thereby identifying rules of legislative procedure with the substantive responsibilities of these leaders.

Formal House committee assignments are made by the Speaker, subject to limitations on committee size written into the rules. Actually an initial determination of party split for each of the twenty legislative and three housekeeping committees is made in accordance with the relative strength of each party in the House. Within this framework, leaders make committee assignments based on the expressed preferences of members, all of whom are asked to indicate their first five committee choices. Despite his formal authority, the Speaker no more intrudes on the selection of minority members than the minority leader intrudes on the selection of majority personnel. Some members, particularly chairmen of important committees, ask for and receive assignment to fewer than five committees, but except for *ex officio* status, the rules limit the maximum number of committees on which any member of the House may serve to five. In practice, all the lawyers in the House constitute the Judiciary Committee, thereby limiting lawyers to service on that body and four others.

The Senate is presently unwilling to lodge in its presiding officer even formal power to appoint committees. An intense legislative interest in the separation of legislative and executive powers contributes to a Senate decision to deny legislative powers to the Lieutenant-Governor. By way of demonstrating that the question is basically one of principle, rather than partisanship, the role of the President of the Senate has not been affected by the party affiliation of the particular incumbent.¹³ The present manner of Senate committee selection indicates some departure from formal rule in

¹³ Senate rules were amended in 1949 to deny the Lieutenant-Governor power to assign bills and appoint committees. At that time, the Senate majority was Republican, the Lieutenant-Governor a Democrat. No change was made in the rule in 1953 when a Republican Lieutenant-Governor presided over a Republican Senate.

that formal authority is delegated to a Committee on Committees and, in practice, pre-session caucuses named the leaders of both parties to that committee. The jurisdiction of the committee extends to the determination of standing committee size as well as personnel, and to the selection of Senate members of conference and special committees as well as Senate and joint commissions. Delegation of authority to vary the total membership of standing committees from session to session has enabled the Committee on Committees to relate party strength on committees to the party division of the full Senate and still comply, in the main, with the wishes of individual members as to assignments. No rule limits the number of committees on which a Senator may serve, and some members have as many as ten assignments. Senate officers do not serve as *ex officio* committee members.

Cook County, if under-represented where total seats is the standard, suffers from no such discrimination if recent House committee chairmanships are made a measure of influence. In 1953, ten of the twenty House standing committees concerned with legislation were chaired by Cook County members. Although Cook County members headed only seven of the twenty-eight Senate committees, interim joint commissions on youth, municipal revenue, sex offenders, and the judicial article elected as chairmen Senators who represented Cook County districts. Cook County weakness in Senate standing committee chairmanships was overcome by the appointment of a Chicago Senator as President pro tem, while Cook's strength in House committee leadership was balanced by the choice of downstate Representatives as Speaker, majority leader and whip.

Time Limits on the Session

Beginning perhaps with abatement, and ending down the alphabet with workmen's compensation, we consider some 2,000 bills covering the law, every phase of human interest. We are not capable of making a complete analysis of that much legislation in the six months every two years in which we sit in the General Assembly.¹⁴

A technical time saving improvement like electric voting is important in this state's legislature because of the constitutional specifications that bills may be passed by recorded vote only, and that laws become effective on the July 1 following passage, unless declared urgent and passed by a vote of two-thirds of all members elected. This latter provision not only has the practical effect of compelling the General Assembly to finish its work by June 30, but also discourages special sessions on controversial questions. Nevertheless, special sessions, restricted to the consideration of matters spelled out in the call, have been common in Illinois legislative history, the last such session dating back to 1950.

Given a need to call the roll on all bills reaching passage stage, and the

¹⁴ Senator George Drach, Majority Whip — lecture, University of Illinois, April 30, 1953.

certainty of a termination date for the regular session, electric voting in the House acts as a time compressor and makes it possible for a greater volume of business to be completed before June 30 than would otherwise be possible.¹⁵ Between 1931, when the legislature completed its work on June 20, and 1953, when adjournment came on June 27, the sessions regularly ran up to the last night, and since 1931 the General Assembly has been content to adjourn and to let the post-session vetoes fall as they may without challenge. In 1949, the Senate sought to recess and return to act on veto messages, but the House would not follow suit. The Governor exercised his constitutional power and prorogued the legislature.¹⁶ Barring an extraordinary majority, the legislature must complete passage of a bill (as distinguished from overriding a veto) by June 30 if the measure is to be effective the same year. This provision, along with the understanding of the members that the legislature is a part-time job from which they can expect to return to private activities in their home districts has made a July 1 adjournment virtually mandatory. One obvious consequence is the invitation to an end of session jam that can be more critical than that in Congress. At the national level, persistent legislators may be able to delay a planned adjournment until some disposition is made of their program. Sponsors of legislation in Illinois not only must overcome substantive opposition to their proposals, but they must do so before the sun rises on the first of July.

Although there can be no real filibustering because the rules of both houses permit termination of debate, a determined member will sometimes threaten the use of dilatory tactics, a practice that could be especially disruptive after mid-June. On June 23, 1953, one House minority member used the word "filibuster" as a lever on the House leadership to press Senate leaders to move his bill in the second chamber. Four days earlier, the House majority whip indicated that he was ready to delay business unless a pending bill was killed. Both members achieved their objectives.

With a nice concern for orderliness, and by way of facilitating adjournment, both houses use a "clearing the Calendar" method of reducing the number of bills to be considered in the last two weeks of the session. In 1953, for example, an initial move to implement this procedure, a motion to table all House bills in House committees, was made on June 18. On succeeding days, blanket motions to table bills farther along the legislative process were made, until finally, on June 26th, the day before the planned *sine die* adjournment, a concluding motion was made to table all Senate bills in the House on the order of third reading. The Senate adopted similar broad motions to table all bills that had not advanced beyond certain steps in the

¹⁵ The Senate, in an effort to speed business, will frequently by unanimous consent, apply the same roll call to a series of non-controversial measures.

¹⁶ *Illinois Constitution of 1870*, Article V, section 9.

legislative process, so that by the time of adjournment there was literally no pending business.

Passage of a bill in Illinois depends, in part at least, on the sense of timing of its adherents. Not infrequently, the line between having a bill slip through in the rush to adjourn, and having a bill tabled in the rush to adjourn is a narrow one. Experienced and influential legislators take advantage of both techniques, while the amateur is sometimes left with a statement prepared for a committee that has been by-passed, or with a motion to advance a bill that has already been tabled. In the two weeks before adjournment, nearly all bills that have passed the house of origin are advanced in the second chamber without reference to a committee. Advancement without reference is critical to passage of a bill after motions have carried to clear the calendars and to table all bills in committee, because any bill pursuing the normal legislative steps at that point is automatically defeated when sent to committee.

Among bills passed by one or both chambers without reference to committee because time was running out on the 1953 session were one that would have created a state building authority with extensive discretionary power over public building construction, one that would have reestablished an interim commission on municipal revenue with a \$50,000 appropriation, and one that created a new agency with plenary power over a toll road system.¹⁷ If any member felt that these matters were too important to be permitted to pass without committee consideration and a chance for interested groups to be heard, he did not record such sentiments by objecting to the required unanimous consent. Controversial bills are surely passed at the end of the session without as extensive a scrutiny as they would receive at an earlier date, and some legislators deliberately delay pushing certain bills until the last possible moment.

On the other hand, the constitutional requirement that every bill must be read on three separate legislative days in each house acts as a brake, and an important bill is rarely defeated by a tabling motion, unless its defeat is agreed to by most of those concerned. Sometimes, however, as with the loss of an administration sponsored Senate bill creating a crime investigation commission, communications seem to break down. The House majority floor leader, during the last week of the 1953 session, filed the required one day notice of a motion to discharge the House Executive Committee from further consideration of the crime commission bill, and to place the bill on the House calendar on the order of Senate bills on second reading. Immediately after the notice was filed, a sweeping motion to table all Senate bills

¹⁷ The building authority and municipal revenue commission bills were subsequently vetoed, the toll road bill approved.

in House committees was made and carried. This had the effect of killing the crime commission bill even though notice of a discharge motion had been filed.

Some legislators have expressed concern over the consequences of late session "log jams" and have urged alleviating procedural action, but there is no evidence of a broad interest in changing a pattern that has been useful. The Legislative Council was directed to study the question, and suggested, among other things, pre-session filing of bills with the Secretary of State.¹⁸ A bill to implement this plan was introduced late in the last session, and was itself a victim of a motion to table all bills in committee. Under its terms, the Secretary of State would have been required to receive and print bills prior to the convening of the General Assembly. A similar assumption that more calendar time is needed to transact legislative business was inherent in the terms of a proposed joint resolution to amend the legislative article of the Constitution and provide, among other things, for annual legislative sessions. The resolution received favorable consideration in the House Executive Committee, but its sponsors never called it up for full House consideration.

The whole question of the adequacy of the six month biennial session is illuminated by a study of legislative days and calendar days. Ordinarily, the first weeks of a session find the General Assembly meeting on Tuesdays and Wednesdays only. By the third or fourth month, Thursday perfunctory sessions are added at which noncontroversial bills are advanced under a gentlemen's agreement prohibiting quorum calls. It is not until the last month that meetings are held five days a week (see Table 1). Nor is the earlier part of the session devoted to intensive committee work. Committees meet, with rare exceptions, just after adjournment of the House or Senate, and, except for the latter part of the session, no member will be asked to come to Springfield on a non-legislative day just for a committee meeting. On the other hand, committee meetings are held at every possible moment in June, and some members who find that they have three or four simultaneous meetings either as committee members or as protagonists of legislation will arrange to have their votes recorded without actually participating in the committee work. Just as some bills can slip through late in the session without reference to committee, others can be held in committee until late in the session and moved at the last possible moment when legislative business is most hectic. As long as this kind of opportunity is available to all legislators, it is probably fanciful to expect a move to eliminate the end of session "jam." Its principal effect is to make logrolling easier, and the legislative process depends on logrolling.

¹⁸ Illinois Legislative Council, *Scheduling Legislative Workloads*, (Springfield: May, 1952). Another popular suggestion involved revision of the present rules in order to establish a terminal date for the introduction of new bills.

68TH GENERAL ASSEMBLY, 1953
DAYS IN SESSION

■ Regular
 ● Both Houses Perfunctory
 □ Senate Perfunctory, House Regular
 ○ House Perfunctory, Senate Regular

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			7			
	12	13				
		27	28			

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1			
		14	15	16		
		21	22	23		
		28	29	30		

		3	4			
		10	11			
		17	18			
		24	25			

	4	5	6	7		
		12	13	14		
		19	20	21		
	25	26	27	28		

		3	4			
		10	11			
		17	18			
		24	25	26		
	30	31				

	1	2	3	4		
	8	9	10	11	12	
	15	16	17	18	19	
	22	23	24	25	26	27

SENATE 61 Regular, 7 Perfunctory

Committee Influence

I think we would be able to conduct more business more efficiently if the committees would find a bad bill bad and say so at the committee level.¹⁹

A "do pass" recommendation by a committee of the Illinois legislature is considerably less conclusive an indicator of ultimate disposition of a bill than is a "do not pass" recommendation. House and Senate committees vote out innumerable bills that have little or no chance of passage. In some cases, favorable action is taken out of deference to the sponsor. In other instances, the pressures exerted on a legislator as a member of a small committee are more intense than the pressures exerted on him as a member of the whole House or Senate. The latter kind of situation frequently is shown in an explanation by a member as he casts his vote in committee that "This bill is of such wide interest, it deserves to come to the floor. But I do not pledge to support it on the floor." Over half of the bills defeated during the 1953 session were killed on the floors after having received favorable committee action.²⁰

On the other hand, negative committee action that bills "do not pass," — either in the form of recommendations or by postponement of consideration — is generally upheld without challenge. Only twelve motions to non-concur in unfavorable committee action were made in 1953. Other bills unfavorably reported were allowed to die without a fight. Only one bill on which a motion was made to non-concur became law, although two others passed both houses but were vetoed. An important administration sponsored House bill — to create a Committee on Equal Employment Opportunities — died in the Senate after a non-concur motion was defeated.

No committee of the Illinois legislature can pigeonhole a bill that its sponsor is determined to push. Any member of either chamber, subject to recognition by the chair, can compel a record vote of the full membership on a motion to discharge a committee from further consideration of a bill. In practice, however, discharge motions are more frequently successful in speeding non-controversial bills on their way than in forcing action on a bill that a committee is attempting to kill by inaction. Controversial bills on which a committee prefers not to act are very likely the kinds of bills on which most members prefer not to be recorded. Consequently, it is unusual for a discharge motion to be successful where a controversy is involved. Expressions of regard for the importance of established procedure—the following of committee recommendations — will be forthcoming from all sides,

¹⁹ Speaker Warren L. Wood — lecture, University of Illinois, April 23, 1953.

²⁰ Of the 1,665 bills introduced at the 1953 session, 724 failed to pass both houses. Of these 724, 341 (or 47%) were defeated in committees of either house and the remaining 53% were killed on the floors. (For detailed statistical data on legislative action, see Appendix B.)

and the discharge motion defeated as, for example, in 1953, with a bill requiring equal employment opportunities for the physically handicapped. Twenty-five discharge motions were successful in 1953, but most of these dealt with bills that had been overlooked rather than studiously ignored. Fifteen of the 25 ultimately became law.

The threat of a motion to discharge can sometimes produce action. Federal rent controls were about to end in April, 1953, and the state administration had not yet produced a legislative proposal or indicated that it intended to support any kind of state action. In the meantime, the Senate Municipalities Committee had taken no action on a bill sponsored by the minority leader that would have authorized municipalities to provide local controls. The sponsor informally served notice that he would move to discharge the Committee and put every member of the Senate on record. To forestall this, the administration accelerated development of an eviction moratorium bill, and an agreement was entered into whereby no opposition was offered to discharging the Municipalities Committee so that the local control measure and the administration bill might be heard simultaneously by the entire Senate sitting as a Committee of the Whole. The eviction moratorium proposal was subsequently advanced and enacted, while the local option bill was stricken from the calendar after the hearing. The certainty that a showdown could be provoked contributed to the decision to offer an alternative plan because the pressures on the majority compel some kind of action when a record vote on a minority bill with popular appeal is imminent.

The need for appointment of a conference committee is unusual in the Illinois legislature because the house of origin will frequently accept an amendment adopted in the second chamber. Only eight bills went to conference at the last session; in each instance, the report of the committee was adopted. The conference in the last two sessions that provoked the most extensive floor debate was that on conflicting versions of a gas tax bill in the 1951 session when the persistence of the House majority and the Speaker won a compromise from the Senate after several managers for each body had resigned from the committee and several fruitless meetings had been held. The more frequent situation is a single amiable meeting (at which the managers are unencumbered by instructions), agreement and easy adoption of the conference report by both houses. Intercameral rivalry is not much in evidence in the Illinois General Assembly although the present Speaker of the House has suggested that the shorter term of House members makes them relatively more responsive to the public,²¹ an attitude that may stiffen House conferees when there is need for conference committee action.

²¹ Lecture, University of Illinois, April 23, 1953.

Commissions, Interim Committees, and Legislative Aids

Over and above standing committees, three types of fact finding bodies exist in the Illinois legislative pattern: 1) permanent, continuous joint commissions established by law and assigned a broad study area; 2) joint commissions established by law to study a problem, or problem area, during the interim between regular sessions, and directed to report to the next session; 3) joint or single chamber *ad hoc* committees established by law or resolution at one session and directed to make a relatively narrow study of a pressing problem, and to report recommendations back to the same session. In addition, the Legislative Council, which partakes of some of the characteristics of each of these, is authorized to direct its permanent staff to study problems raised by any legislator both during and between sessions. The important distinction between the Council and other commissions and committees of the General Assembly is that the Legislative Council adheres solely to a fact finding role and refrains from recommending policy. In some instances, this has led to proposals for the creation of special or interim commissions which will move beyond fact finding. A council study is not designed to be a gateway to quick action.²²

Although professional staffing for standing committees is not a part of the Illinois legislative picture, the joint Budgetary Commission which performs a kind of legislative budget making function, does employ an accountant and the House Appropriations Committee, for the last two sessions, has accepted the services of a staff member of the Taxpayers' Federation of Illinois as a fiscal analyst. Not infrequently, and most particularly in the case of interim commissions, professional personnel employed for research activity will be available through the session for hearings and related purposes. Executive departments are sometimes asked, and are usually anxious, to lend personnel to legislative committees. All House and Senate members may avail themselves of the research services of the Legislative Council and the bill drafting services of the Reference Bureau. Some members insist as a condition of sponsorship that proposals at least be scrutinized by the Reference Bureau. Private draftsmanship is not uncommon, but it is likely that not less than 90 percent of all legislation is at least checked in the Bureau. During the regular session, three out of four members will make some use of the research facilities of the Legislative Council.

Except for the Budgetary Commission which dates to 1937, the establishment of permanent commissions operating under continuing legislation and concerned with substantive matters is a relatively new development in the Illinois legislative process. Two permanent commissions, the Motor Vehicle Laws Commission and the Commission to Visit State Institutions, the

²² See Illinois Legislative Council, *Annual Report for 1952-1953* (Springfield: August, 1953), p. 5.

latter a revival of a long dormant commission on that subject, were authorized by the 1951 session to undertake continuing studies of the statutes pertaining to motor vehicles, and to make continuing investigations of state institutions, respectively. The Motor Vehicle Laws Commission presented a legislative program to the 1953 session, while the visitation group gave a report containing recommendations, but no bills were introduced as commission legislation.

Other legislative commissions have some of the characteristics of the two permanent commissions, but their operating statutes are not continuing law, and the General Assembly must reenact the enabling statute at each session. The present interim commissions with quasi-permanent status include the Pension Laws Commission (originally established in 1945) and the School Problems Commission (established in 1949).

Some of the established commissions, particularly those that have had a continuing existence, have become established as clearing houses for certain kinds of legislation. Proposals dealing with subject matter within the area of commission concern must conform to commission policy or surely fail of enactment. Probably the outstanding example of this type of influence is the practice of submitting evidence of Pension Laws Commission approval of proposals concerned with public employee pensions.

Individuals constituting an interim commission will sometimes introduce proposals that have been planned by the entire commission, but standing committee bills are a rarity in Illinois. Lacking professional staffing, most standing committees are simply not organized for the preparation of legislation. On the other hand, the interim commissions are invariably staffed, and sometimes do initiate legislation, as contrasted with standing committees that passively consider bills referred to them. The interim Commission to Study State Government sponsored 167 bills in the 1951 General Assembly, but only five proposals introduced in that session were identified as standing committee bills. Just one committee bill was offered in the entire 1953 session. In short, a bill referred to a standing committee is the opening wedge for action. A group with a problem situation but no specific legislative proposal may succeed in interesting an interim commission, but it takes a bill to energize a standing committee, and it takes a member formally to introduce a bill.

Responsibility for introducing legislative proposals is invariably individual rather than collective. Although most bills bear the names of several sponsors, a measure is properly associated with the first named member. By way of developing broad support, a Senator or a Representative will encourage colleagues to join in sponsoring a proposal, but such action does not give members who "get on" a bill in this fashion any control over its legislative path. Indeed, co-sponsors have been known to impede progress of a

bill as actively as formal opponents. There is, however, no evidence that multiple sponsorship is any more effective than individual sponsorship, and multiple sponsorship almost never should be taken to mean that a bill is necessarily the product of joint thinking.

Occasionally, a member will be unwilling to assume responsibility for a proposal but, at the same time, feels an obligation to oblige some part of his constituency. Such a dilemma is conveniently resolved by marking a bill "by request" thereby giving the legislator an opportunity to test the strength of the adherents and simultaneously preserve his claim to the bill. From time to time, such bills become law as with bills introduced "by request" in 1953 pertaining to policemen's retirement and pensions, state employees' pensions, and the transfer of title of state lands.

Constitutional Change

I do say that it is wrong for the people of Illinois to expect that the legislature shall submit every two years three brand new attempts to tear up that basic law, under which, to my way of thinking, Illinois has prospered fairly well over the years.²³

Constitutional change comes hard in Illinois. The power to initiate action is vested exclusively in an extraordinary majority of the General Assembly and the power of ratification in an extraordinary majority of the voters at a general election.²⁴ Although ratification requirements have been eased somewhat since approval of a so-called "gateway" amendment in 1950, the General Assembly remains deliberately conservative in exercising its power to initiate substantive or major constitutional change.

The "gateway" amendment specifically limits the General Assembly to proposing amendments to no more than three articles of the Constitution, but it is not intended to debar simultaneous amendment of several sections of an article. In fact, because it was developed as a compromise between the status quo and the constitutional convention, it seems likely that the gateway procedure was expected to facilitate total overhaul of individual articles, but the tendency has been to limit proposals to amendment of parts of individual articles. This suggests a narrow interpretation of the three article "gateway" limitation to a three subject limitation for practical purposes. Moreover, several members—including the Speaker of the House—noted during the session that authority to propose amendments to no more than three articles does not compel submission of proposals to amend as many as

²³ Speaker Warren Wood—lecture, University of Illinois, April 23, 1953.

²⁴ Amendments to no more than three articles of the constitution may be proposed in any session by two-thirds vote of the members elected to each house. Ratification requires referendum approval by either two-thirds of the electors voting on the question or a majority voting in the general election. Prior to adoption of the "gateway" article in 1950, amendments to only one article could be proposed at a session and ratification was by a majority voting in the general election only. See *Illinois Constitution of 1870*, Article XIV, section 2.

three articles. Actually, in both 1951 and 1953, the legislature has proposed amendments to three articles.

The 1951 session proposed virtually total revision of the revenue article, and the one attempt since adoption of "gateway" at actual total revision of an article came in the 1953 session and dealt with the judicial article. Judicial reform, a part of the program laid out by the Governor in his inaugural address, was proposed in eight different resolutions, one of which passed the Senate and reached the House floor. Structural reorganization and a modified version of the "Missouri plan" of appointing judges from an approved panel were the principal components of the proposal for which the required vote of two-thirds of the elected membership of the House could not be won despite persistent pressure from the Chicago and Illinois Bar Associations, the press, and numerous civic groups. Last minute efforts were made to work out a compromise which would have saved reorganization and dropped the appointment of judges, but no such solution was acceptable to the groups involved. When it became apparent that no amendment to the judicial article would be submitted to the voters, a relatively unimportant resolution dealing with the Illinois and Michigan Canal was pushed, and adopted in both houses the day before *sine die* adjournment. A resolution to amend the executive article so as to provide a four rather than a two year term for the State Treasurer was adopted early in the session with strong support from the Governor whose last previous state office had been that of Treasurer.

A 1953 proposal for amendment that was both complex and controversial provided for a reapportionment of the state's legislative districts. To be acceptable, a formula had to be developed that could accommodate Cook County people who feel underrepresented, downstaters who profess distrust of Cook, Chicago legislators from both parties who represent small, "safe" districts, Democrats who allege that representation by area rather than population will mean downstate Republican domination of at least one house, and downstate Republicans who find the status quo generally advantageous. The resolution as finally passed by two-thirds vote of each chamber did not seem to meet each of these group interests. Any appeal lacking in the substance of the resolution, however, was apparently compensated for by elaborate logrolling arrangements involving judicial reform and Chicago charter revision. House minority members, who held deciding votes, followed their leaders who first abstained, then were made party to administration conferences, and finally gave their assent to the proposal, although the minority leader served notice of his intention to campaign against ratification.

The Governor has no formal function in proposing constitutional amendments, but the amending process is inextricably intertwined with the admin-

istration program, and the prestige of the Governor and his elected colleagues may be called up in support of such resolutions. Constitutionally cut off from the amending process, without the power of approval or veto, the Governor is nevertheless a very potent force in influencing legislative behavior on constitutional matters.

Minority party measures are offered occasionally although some minority leaders have held to the view that proposing constitutional amendments is an exclusive responsibility of the majority. A minority sponsored resolution to grant the vote to 18 year olds lost on the House floor in 1953, and a proposal to authorize the elimination of the sales tax on food was voted down in committee. A motion to non-concur was made for the record, and was defeated on a straight party vote. Perhaps the most interesting aspect of this latter proposal was the fact that it was offered as a new article to the Constitution, thereby suggesting a liberal interpretation to the "gateway" ban on proposing amendments to the same article more frequently than every four years. It remains to be seen whether such an interpretation will find favor when an extraordinary majority is anxious to resubmit a proposal without the four year waiting period.

SOME INFLUENCES ON LEGISLATIVE ACTION

The Governor

The Governor of Illinois, whether or not his party controls the legislature, has more opportunity to influence legislative action than any other outside source. The veto power, surely the most important of his controls, includes an item veto over appropriation measures, and goes virtually unchallenged. The Governor is the only non-member of the legislature with a continuous and direct access to the General Assembly starting with a biennial message that the Constitution directs him to submit to the legislature at the convening of each session, and continuing through the session with regularly scheduled meetings with legislative leaders of both houses. He is required to and does submit an executive budget containing a statement of expected revenues and expenditures for the biennium and thereby has a further control over the state purse to supplement his item veto power over money bills. Finally, he is head of the political party that expects the bulk of patronage, and he can be personal dispenser of patronage if he so chooses.

Gubernatorial Veto Power. The veto power is of critical importance because of the finality of gubernatorial disapproval. Even an attempt to override a veto is a rarity, and in fact only three vetoes have been overridden since the adoption of the Constitution in 1870. In the 1953 session, the Governor vetoed more bills than any of his predecessors, but in no instance was there even an attempt to override the veto. The previous veto "record" was established in 1951, and at that session, as in the 1949 session, only one attempt was made to override a veto.

The General Assembly's self-chosen workload schedule accounts for the infrequency of attempts to override vetoes in Illinois. A veto message cannot be considered by a legislative body that has adjourned. The tendency

of the General Assembly to complete most of its work the last weeks of the session insures that only a relatively small number of bills can make the round trip between the Capitol, the Governor's Mansion, and the Capitol before June 30. Although the Governor, by constitutional provision, has ten days after he receives a bill to act, this does not necessarily mean ten days after passage. The Supreme Court has ruled that the ten day period starts after the Governor receives a bill.²⁵ Before the bill is sent to the Governor, it must be prepared in final form, and must be signed by the President of the Senate and the Speaker of the House. Both processes can be made time consuming, which makes it possible for a considerable period to elapse before the Governor has official possession of a bill.

The Governor completed action on bills passed by the 1953 General Assembly in twenty days after adjournment in contrast to the forty-one day period required in 1951. Despite the relative promptness in acting on passed bills in 1953, the great majority of the veto decisions were made after the adjournment of the General Assembly: 81 percent (or 110) of the 136 bills vetoed in full at the last session were vetoed after adjournment, and five of the seven bills on which the Governor exercised his item veto power were returned after adjournment. At the 1951 session, an even higher percentage of veto messages, 87 percent (or 117) of the 134 bills disapproved, were delivered after adjournment. Through the years, most of the more significant vetoes have come after adjournment, although many post-session vetoes are made necessary by technical imperfections in the legislation. Those bills passed early enough to permit being returned during the session are likely to be concerned with statutory technicalities rather than substantive public policy. As to quantity, more than half the bills reaching third reading in the second chamber in 1953 came to a final vote during the last week of the session.

The relatively equal party division in the Illinois House of Representatives, a result of the cumulative voting system, makes it virtually impossible to obtain sufficient votes in the House to override the Governor's veto on those rare occasions when the legislature is in session to receive a veto message. The Governor's political influence need be only great enough to persuade most members of his own party, even if they are a distinct minority, to vote to sustain a veto, or at least to abstain from voting. Abstainers are acting in support of the executive, because the Illinois Constitution requires the affirmative votes of two-thirds of the members elected to each house to override a veto.

Of the total bills introduced in 1953, when one party controlled legislative and executive branches, 8.2 percent were vetoed, and of the bills that passed both houses, 14.5 percent were vetoed. The corresponding percentage

²⁵ *Peo. ex. rel. Peterson v. Hughes*, 372 Ill. 602, (1940).

figures for the 1951 session, where control was divided, were 6.6 percent and 12.9 percent. These figures for the last two sessions represent a sharp increase over those for other recent sessions, and reflect the fact that if the legislature is any less discriminating in passing bills, the Governor tends to re-establish statistical balance at least.²⁶

An unusual aspect of the Governor's veto actions in 1953 was that he did not file any bills without his signature. Bills so treated become law in Illinois whether filed after adjournment or during the session. The "pocket veto" is not available to an Illinois Governor. It is the usual practice for the Governor to file bills to which he is reluctant to give his approval, and in 1951, for example, 24 bills became law without the Governor's signature, while in 1949, 16 bills became law in this manner.

Gubernatorial practice in seeking and utilizing staff or other advisory opinions on bills has varied, of course, depending on the habits and methods of the governor involved. Most executives have, as a matter of practice solicited opinions from the directors of code departments and other agencies to be affected by the legislation and from the Attorney General. The present Governor, like many of his predecessors, sought out a man not officially connected with his administration for principal help in disposing of the legacy left by the General Assembly.

A particularly significant indication of the extent of gubernatorial control over the legislature was seen in 1953 when the General Assembly passed bills providing for thirty legislative interim commissions to study particular problems and report to the 1955 session. Appropriations to these commissions would have totaled four times the amount allotted to such activities in the executive budget. Accordingly, the Governor vetoed half of the bills involved, in most instances noting the availability of existing legislative service agencies to undertake the project proposed.²⁷ Plainly a nice question in legislative-executive relationships and the propriety of the exercise of the veto power is raised by gubernatorial denial of authority and funds to the legislature to establish a committee of its own members to study a legislative problem.

The Administration Program. A preferred place in the legislative process is assigned to the formal administration program as set forth by the Governor in the message to the General Assembly that he is required by constitutional directive to submit at the convening of each legislative session. A convenient box score of success can often be developed by comparing these messages with the "state of the State" message he is similarly required to submit at the conclusion of his term of office. Thus, at a session

²⁶ See Appendix C.

²⁷ In addition, the Governor vetoed the appropriation items for two commissions, but approved the creation of the bodies.

coincident with a change of governors, the legislature receives two messages, the outgoing Governor summarizing his record and recommending legislation on the convening day, and the new Governor voicing his aspirations a few days later at his inauguration.²⁸

These recommendations by the incumbent Governor in his required biennial message become the hard core of the "administration program" and the personal prestige of the Governor, which may rise or fall with their enactment or their defeat, is put behind the program. It is not the practice for the Governor to send formal requests for legislation after his opening address, but the indirect techniques rarely leave his position in doubt. From time to time during the session, the Governor, through a press conference, or through his party's floor leaders, will announce the addition of legislative proposals to his program. Matters of lesser importance may be blessed without a public announcement, but are handled by agencies under the Governor's jurisdiction. Legislators interested in knowing which of the less significant proposals are introduced with gubernatorial backing will study the calendars and the digests and note sponsorship. Administration legislation is likely to be sponsored jointly by the majority floor leader and the chairman of the appropriate standing committee.

Major planks in the administration program at the 1953 session included constitutional amendments providing for legislative reapportionment, judicial reform, and a lengthened term for the state treasurer. Each of these was included in the message. Subsequently, the reapportionment proposal was described by the Speaker of the House in a newspaper interview as "the keystone in the arch of the Governor's whole legislative program . . ." although no such special status was evident from the message. Some other specific recommendations requiring statutory change, and called for in the Governor's inaugural address, provided for establishing a crime investigating commission, development of a toll roads system, a change in the primary election date, absentee voting by the sick, shortened terms of office for party committeemen in Cook County, strengthened regulatory inspection laws, extending the general veterans' benefits to Korean war veterans, and construction of a new state office building. On the other hand, the session was well along before the Governor announced publicly that he favored the establishment of an operating Commission on Equal Job Opportunities, and an eviction moratorium measure. In addition, the Governor went on record in favor of measures introduced by individual legislators, or recommended by an interim legislative commission. In this category were bills providing for the construction of a convention

²⁸ For example, see the messages of Adlai E. Stevenson, delivered January 7, 1953, and William G. Stratton, delivered January 12, 1953, at pages 16-22 and 30-34, respectively, of the Journal of the House of Representatives of the Sixty-eighth General Assembly.

hall in Chicago, and a series of bills establishing a new Youth Commission.

The Governor seems less likely to take a public stand in opposition to a pending bill, perhaps because of confidence in the finality of his veto power. On occasion, however, two approaches to a problem will be proposed, and the circumstances are such that one must be supported and one explicitly rejected. In one 1953 situation of this kind, involving increased taxing power for Chicago, some downstate legislators supported a minority party bill in early votes with the understanding that their support would be withdrawn if and when the Governor expressed himself to the contrary. He did — and they did. The voting pattern in committee on a controversial bill is not a dependable indicator of voting on the floor unless the Governor has declared himself before committee action.

The Executive Budget. The preparation of the budget, under the present Illinois pattern, is a joint legislative and executive function, but final determination of amounts to be appropriated is solely a concern of the legislature, subject, of course, to the item veto. Detailed work on the budget is principally the responsibility of the Department of Finance. The department works closely in the undertaking with the Budgetary Commission, which is considered to be a legislative agency, despite the Governor's membership.

The Budgetary Commission, however, is an advisory group only, although one of its major advantages is in giving the Governor a preview of legislative attitudes on budget questions.²⁹

The executive budget, transmitted to the legislature in the form of a budget message, accompanied by a detailed budget document, is the take-off point for appropriations so that the first word is that of the Governor. The budget message at the 1953 session was delivered on March 30, weeks earlier than in all but one other session in the last twenty-two years. The submission date, which can be controlled by the Governor despite a statutory deadline of April 1, has considerable significance in controlling the overall flow of work in the legislature because it is the practice to take a rather leisurely pace until the budget has been submitted, and the bills implementing the budget have been introduced. Consequently, the Governor can have an important role in expanding or contracting the general legislative time schedule through his budget power.

Senate Confirmation. The constitutional and statutory requirements that the Senate advise and consent to certain of the Governor's appointees to state offices do not result in any real measure of Senate control over

²⁹ For a detailed description of the procedures followed in preparing the budget, and the legislative action on the budget, see Roger Henn, *Control of the Purse Strings* — Part 1, "The Present Fiscal Process and Controls over State Expenditures," (Springfield: Taxpayers' Federation of Illinois, 1952).

executive appointments. The most recent rejection of a gubernatorial appointee came at a special session in 1950 when a nominee for President of the Civil Service Commission was not confirmed. The Senate Executive Committee, to which nominations are referred, is not able to undertake more than a perfunctory examination of nominees because of the lack of staffing. In short, "advice and consent," in practice, has come to be closer to a ministerial than a discretionary function of the Senate.

This observation gains credence when it is noted that at the 1953 session, the Senate referred to its Executive Committee only nominations to salaried positions while nominees to non-salaried positions were confirmed upon the delivery of the nomination message from the Governor. In the only confirmation dispute of the session, newspaper activity, which is frequently used as a substitute for staff work in matters affecting the General Assembly, resulted in extraordinarily sharp questioning, in the Executive Committee, of the nominee for the position of Director of Insurance. When confirmation came before the Senate, however, the nominee received 37 aye votes, with all but one of the minority party members voting "present."

The 18 month period between regular sessions contributes to the relative strength of the Governor and relative weakness of the Senate in matters of confirmation. An appointee may hold office — and make policy — from July until a year from the following January without opportunity for the Senate to act. In 1953, with a change in administration, sundry interim nominations made by the retiring Governor were ignored, and subsequent nominations of the new Governor confirmed.

The General Assembly has shown no disposition to alter the present situation. In fact, the 1951 session added to the positions requiring confirmation members of the Public Aid Commission, Liquor Control Commission, State Athletic Commission, Medical Center Commission, and the Racing Board. Notaries public no longer require confirmation, thereby eliminating the need for publication of a supplementary journal each session containing the names of 10,000 approved notaries. The Senate continues, however, to advise and consent to gubernatorial appointees to the quasi-local county offices of public guardian and conservator, and the lucrative office of public administrator. In these as well as other offices, Senate confirmation is routine save for the most extraordinary situation.

The Press

Illinois newspapers that assign legislative correspondents to Springfield during a session are primarily interested in providing coverage of legislative activities for their readers, but in so doing they exercise potent influence on legislative action. Editorial positions on pending legislation, preferential news treatment, and press investigations into legislative matters, are part

of the complex of factors that ultimately are resolved in legislative votes. Not infrequently, newspaper investigations try to achieve the kinds of results that are achieved by an investigating committee of the national Congress. The papers, particularly in Chicago, take an editorial position on most important pending legislation and no legislative leader is unaware of press sentiment. The press representatives are a heterogeneous group as regards experience, understanding of legislative affairs, and devotion to objective reporting. Legislators are very much concerned, however, about maintaining popularity with the press, although speculation by political reporters is sometimes resented. "My career would be appreciably brighter if that man would stop anticipating it" said one Senator after a political columnist had promoted him to an important position of leadership prior to the convening of the legislature.

During the first part of the 1953 session, newspapers covering the sessions of the House received considerable attention from members, who at various times rose on "points of personal privilege" to deliver answers to stories that were considered personal attacks. One theme running through legislators' replies was that the press takes stands for and against pending bills, and must expect to be treated as are other partisan groups. The regular newspaper correspondents conduct a biennial poll to designate their choices as outstanding legislators of the session, and the results are not lightly regarded by members of the General Assembly and others.

Influence of the Press. Although the influence of the press is not scientifically measurable, certain examples, chiefly relating to Chicago papers, can be cited to show some results of newspaper activities. One Chicago newspaper pressed with such persistence for a bill providing for a new Chicago convention hall that the proposed edifice became known in the legislative halls as "Tagge's Temple," out of regard for the chief Springfield reporter for that paper. Another Chicago paper claimed credit—with considerable supporting evidence—for two so-called reform measures adopted by the legislature. The first of these abolished a legislative investigating commission that had had a long, controversial existence through the years, while a second would have established tighter controls over the printing practices of state agencies. Still another Chicago paper has supported with such vigor the so-called "dog bill" (or anti-vivisection bill) in past sessions that the members of the legislature have regularly been deluged with mail on the subject.

Most Illinois papers have taken strong positions on such critical issues as reapportionment, judicial reorganization, anti-subversive bills, and truck license fee legislation. One downstate chain of newspapers has taken a particularly active roll in fights on trucking legislation generally and this participation has weighed heavily on downstate members who usually are

not subject to such close scrutiny by the local press. Over-all, the point is that the Illinois press behaves in something of the same manner as other groups who participate in legislative action. The Illinois State Federation of Labor and the Taxpayers' Federation of Illinois publish scorecards of voting records and so do some newspapers. All three groups rate members on the basis of special interest standards, a fact that some legislators feel is inadequately understood in the case of the newspapers.

The press sometimes is used as a way of testing group reaction to alternate lines of legislative policy. This has been known to have an unexpected twist, as in the case of a legislative committee that directed its chairman to tell reporters of its intention to recommend that the City of Chicago be granted permissive power on a highly controversial question. The committee allowed adequate time to reverse itself if publication of this report caused intense opposition. Some newspapermen, however, misunderstood the story and reported that all cities in Illinois would be included in the scope of the proposed legislation. There was hardly a ripple of observable reaction either in Chicago or downstate. The committee reassembled in special session and ratified the erroneous newspaper story rather than its own original decision.

Legislative Broadcasting. The primary source of news and information on legislative activities is the newspapers, but a new medium was introduced for the first time at the 1953 session, when the sessions were broadcast on a limited basis. The interest in the broadcasting venture originated from unsuccessful attempts to broadcast certain committee proceedings at the 1951 session, and the resulting request to the Legislative Council for a study of the problem of legislative broadcasting and recording practices. Sessions were broadcast weekly, direct on a Springfield FM station every Wednesday morning, and later condensed for a half hour rebroadcast in the evening on AM. House members were made aware of the broadcasting of the proceedings by an "on the air" light, and there is no question but that it affected the normal pattern of debate, especially that of members from districts within range of the broadcasting station.

The Lobby

An observant employee of the General Assembly estimates that there is a minimum of 100 active organized groups steadily watching, advising, and hoping to influence the work of the legislature. They are neither registered nor regulated so that the actual number of organizations represented in Springfield is not known, although representatives of some fifty-seven groups appeared at a special dinner-meeting for new members of the General Assembly, and it is known that not all groups participated.³⁰

³⁰ This dinner meeting was one of six such sessions, sponsored for several years by a member of the House, at which indoctrination speeches are made by legislative and executive leaders.

Method of Operation. Lobbying sites vary according to the personality and influence of the lobbyist, with some "legislative representatives" spending considerable time around the legislative chambers, while others spend most of their time in Springfield hotels, or, in the case of groups with Springfield headquarters near the capitol, in their own offices. Several of the most influential lobbyists are very rarely around the State House. Some statewide groups concentrate on local membership contact with legislators on the assumption that a legislator is subject to fewer stresses once he is away from Springfield.

Many observable lobbying activities around the legislative chambers have no element of subtlety whatever. Such groups as the organized police and firemen admittedly tried to create the impression that large numbers of their members from all over the state were in constant attendance to watch and report on legislative behavior in 1953. Hearing rooms and the galleries were regularly packed by uniformed policemen and firemen so that there was no mistaking their identity. Similarly, the truckers, anxious for a cancellation of impending increases in license fees, came in work clothes, and thereby emphasized numbers. This group announced, early in the session, that it was going to stage a statewide "strike" and tie up traffic on the highways, if its demands for lower license fees were not met by the General Assembly. The implication was that the legislature would be blamed for not "doing something." There was no full scale strike, and fee increases were readjusted although no oversimplified cause and effect relation should be assumed.

The legislative attitude toward lobbyists as a group is a continuous mixture of condemnation and praise. Members know that lobbyists exist, and by and large like the lobbyists as people, but from time to time many legislators have uneasy feelings that independence should be asserted as both principle and fact. A Chicago member took the floor to state that most lobbyists are honorable persons who render invaluable service to the General Assembly by providing information on pending legislation, and presenting their organizations' positions. Later in the session, certain lobby groups came in for sharp criticism on the floor for their activities in trying to get a bill adopted that would have banned educational television at state supported universities and colleges. Irritated more by techniques used than by the substantive demands of the lobbyists representing trucking interests, both houses passed a bill to create an interim commission to investigate trucking associations. The bill was vetoed by the Governor, who asked:

. . . why there should not be a similar investigation of the members of all other industries which had an interest in legislation. . . . No reason has been pointed out why the trucking industry should be singled out for investigation. . . .³¹

³¹ *Veto Messages of William G. Stratton on Bills Passed by the Sixty-eighth General Assembly*, p. 54.

In an attempt to provide some control over lobbyists, and to stake out a claim to such legislation for the party, a minority bill was introduced in the 1953 session to require the registration of all lobbying groups, and the filing of certain financial reports by these groups. This bill was defeated in the House Executive Committee after a hearing at which only the sponsor testified, a circumstance that suggests that there was no greater expectation of success this session than in the past.

Control over the lobby, of course, may be effectively exercised by the very existence of organized pressure groups on both sides of an issue with antipodal groups checking statements and tactics of each other. At most recent sessions, for example, the chiropractors of Illinois have had legislation introduced to clarify the legal status of their profession. The medical associations have attracted sufficient group strength to the antichiropractic cause to defeat such legislation. In the absence of medical opposition, the chiropractic lobby would very likely find that a comparatively small number of friendly legislators could arrange for the votes necessary to pass their bill.

An illustration of practical adaptation to the operations of strong counter interests is the labor-management-legislative arrangement by which only "agreed" amendments to the workmen's compensation, occupational diseases, and unemployment compensation laws are adopted.³² Similarly, legislation affecting the mining industry of the state is usually "agreed" to by the mine operators and the mining unions. This pattern has been institutionalized in the past through the Mining Investigation Commission, a state supported agency. It had been understood by the legislature that Commission approval was a condition for enactment of any mining bill just as the approval of parallel boards was required for passage of the compensation measures. A less formal technique may develop for mining legislation as a 1953 gubernatorial veto ended the life of the commission which had been re-established at all but one session since 1909.

The groups with lobbying experience nearly always are more successful than the *ad hoc* groups, partly because the former are more familiar with techniques to accomplish the same purpose in a variety of ways. In 1953, groups representing the tax supported higher educational institutions sponsored a bill to exempt from state military scholarship benefits veterans receiving financial assistance for education from the federal government, under the G. I. Bill. Legislation to accomplish this change in military scholarship eligibility requirements passed through the Senate without opposition. By the time it reached the House Military and Veterans Committee, an *ad hoc* group of student veterans had organized considerable

³² See Gilbert Y. Steiner, *Legislation by Collective Bargaining*, (Urbana: University of Illinois Press, 1951).

opposition, and the bill was defeated by a one-sided vote (18-1) in committee. The *ad hoc* group went home, but the higher education lobby had other business and stayed around the Capitol. While student veterans were beginning summer vacations, the military scholarship limitation was added to the provisions of a pending Senate bill that made a minor change in the school code. The Senate passed the bill with the "rider" attached — an unusual technique in the Illinois legislature — thereby bringing the issue to the floor of the House for the first time. The House, after enough debate to make the legislative history of the measure known to all members, passed the bill and the Governor subsequently approved it.

Intergovernmental Activity

The federal government makes few demands on the Illinois legislature and the legislature makes only occasional requests of the federal government, but the General Assembly is constantly besieged by spokesmen for Illinois local governments who, in the words of Charles Merriam, "move down upon the legislature at Springfield and engage in a grand scramble for increases in taxation or other revenue, in borrowing power or other financial favors."³³ One of the most striking things about this activity in recent years is the inability of city officials and their organizations to influence the legislature to act in accord with the municipal interest. Although the highly organized Chicago political system can result in sympathetic consideration of Chicago problems by Chicago Democrats in the General Assembly, the Republican majority is less susceptible to this kind of influence because Republican strength in the internal Chicago political picture is very limited.

Downstate, political organization is centered at the county level rather than in the cities. County party leaders and city officials are infrequently identical. The city officials have not hesitated to storm Springfield, but many legislators, in evaluating the strength of this group, consider it to be a minor force. To support the proposals of the city spokesmen, particularly in the revenue field, means antagonizing taxpayer groups, embarrassing the state administration by making it indirectly responsible for tax increases, and alienating the special subjects of taxation be they businessmen, automobile owners, retail merchants, hotel owners, or real property holders. The city officials are unable to marshal sufficient group strength to counteract this opposition.

Between the 1951 and 1953 sessions, an interim commission had studied the problem of municipal revenue, and its recommendations provided somewhat less than what the cities considered minimum additional revenue to solve their predicament. On the floor, the commission's recommendations

³³ *The Government of the Metropolitan Region of Chicago*, (Chicago: University of Chicago Press, 1933), p. 115.

were further cut back over the protests of municipal officials whose expressed needs were far in excess of their political strength. Although the municipalities were given only limited additional revenue sources, their financial position was further complicated by minimum wage legislation forced through by the organized firemen and policemen.

Recognition of this strategic disadvantage in dealing with the legislature is implicit in the recent development by the Illinois Municipal League of a regional system of organization for legislative matters. The only permissible classification of cities for special legislation is by population so that regional organization for legislative purposes suggests a concentration on developing local political influence that will be strategically placed and ultimately reflected in Springfield. The present strength of the municipal lobby will be important to the extent that its cause appeals to other groups. In 1953, for example, technical and procedural changes in the city manager law were adopted with official municipal support, but the moving force was the State Chamber of Commerce through its lobbyist who has become a city manager expert.

Illinois city officials are not able to present a united front to the General Assembly because of the special position of Chicago in the total political picture. Although Chicago holds membership in the Municipal League, the problems of a major metropolitan center are unlike those of other municipalities in the state, and Chicago lobbies for itself, chiefly through the office of its Corporation Counsel. Legislators representing Chicago districts could, if they had incentive to vote as a unit, exert a great influence over General Assembly action. Actually, only a relatively small number of Chicago members of the House ever cross party and other lines in order to form a bloc. This group, either by design or by chance, established numerical strength on the House Municipalities Committee in the 1953 session. Other members of that committee felt that one consequence of this situation was that the Speaker tended to refer "doubtful" bills to the Revenue Committee rather than the Municipalities Committee.

In general, Chicago members are no more likely to be controlled by a Chicago allegiance than by a party or other kind of allegiance. A striking illustration of this kind of situation was seen in a proposal offered in 1951 and in 1953 to permit Chicago, in selling water, to establish a differential between rates charged suburban governments and rates charged Chicago consumers. Although the suburban governments admittedly resold the Chicago water to their own residents at substantial profits, a solidarity that was evident among Chicago Senators in 1951 evaporated after the issue was made a party question in 1953. Indeed, the Chicagoan who sponsored the legislation in 1951 abstained from voting on a similar bill two years later.

Local governments in Illinois other than the cities enjoy relatively pacific relationships with a General Assembly most of whose members are rural rather than urban oriented. Because the financial plight of the townships and counties is not as troublesome as that of the cities, that area of potential conflict simply has not developed. Two important questions exclusively involving county or township government arose at the 1953 session. County officials guided legislation giving them a raise in pay pursuant to a constitutional amendment adopted at the 1952 general election authorizing the General Assembly to set these salary scales. Township spokesmen lobbied for increased freedom in the spending of their share of gas tax revenues, but time ran out before adherents could untangle a snarl caused by the indecisiveness of a Senator who represented the twenty-sixth affirmative vote.

Special districts rarely push their own legislation. In the case of school districts, an interim School Problems Commission has virtually the last word on legislation. Its report will reflect consideration of the viewpoints of groups with professional, financial and social interests in schools — the Taxpayers' Federation, Education Association, Congress of Parents and Teachers, Association of School Boards, Chamber of Commerce, and Agricultural Association. Except for the Sanitary District of Chicago, the bulk of the other local units — from airport authorities to surface water protection districts — are infrequent subjects of General Assembly concern.

The legislature is the lawmaker, but it would be a mistake to assume that public policy can be understood by an examination of the output of the General Assembly. The Illinois Constitution, consistent with those of the other forty-seven states and that of the national government, provides for a separation of powers. Legislative, administrative and judicial office are incompatible, but public policy making is not restricted to the legislature. The administrative rules guiding enforcement of the sales tax, for example, are critical to understanding state tax policy — and so are the broadening and narrowing decisions of the courts.

The Illinois General Assembly must be understood in its setting as a coordinate branch of state government with the executive and judicial departments. Pressures play upon all three branches, and no policy question is ever resolved for more than the briefest period of time because modification of policy by interpretation or litigation is constant. Legislative losers may be judicial or administrative winners.

APPENDIX A

PARTY STRENGTH* IN SESSIONS OF THE ILLINOIS LEGISLATURE FOR THE PERIOD 1939-1953

Session	House			Senate		
	Rep.	Dem.	Majority	Rep.	Dem.	Majority
1953	86	67	R. 19	38	13	R. 25
1951	84	69	R. 15	30	21	R. 9
1949	72	81	D. 9	33	18	R. 15
1947	88	65	R. 23	38	13	R. 25
1945	79	74	R. 5	34	17	R. 17
1943	84	69	R. 15	28	23	R. 5
1941	79	74	R. 5	28	23	R. 5
1939	79	74	R. 5	20	31	D. 11

Source: George S. Blair, "The Case for Cumulative Voting in Illinois," *Northwestern University Law Review*, v. 47, (July-August, 1952) p. 348.

* Party strengths after general election. Not adjusted for unfilled vacancies during actual session as a result of death and resignation. For discussion of this problem, see page 10, *supra*.

LEGISLATIVE AND EXECUTIVE ACTION ON BILLS INTRODUCED AT REGULAR SESSIONS, 1939-1953

Regular Session of —	Total Bills Introduced	Legislative Action			Executive Action		
		Defeated	Per- cent*	Passed by Both Houses	Bills Approved or Filed	Per- cent*	Voted
1953	Senate	248	37.5	413	338	51.1	75
	House	476	47.4	528	467	46.5	61
	Both	724	43.5	941	805	48.3	136
1951	Senate	387	49.2	399	351	44.7	48
	House	617	49.1	641	555	44.1	86
	Both	1,004	49.1	1,040	906	44.3	134
1949	Senate	390	56.4	302	275	39.7	27
	House	602	53.1	531	497	43.9	34
	Both	992	54.4	833	772	42.3	61
1947	Senate	412	61.0	263	255	37.8	8
	House	525	52.5	475	446	44.6	29
	Both	937	55.9	738	701	41.9	37
1945	Senate	290	43.2	382	358	53.3	24
	House	475	56.9	360	333	39.9	27
	Both	765	50.7	742	691	45.9	51
1943	Senate	296	48.5	314	292	47.9	22
	House	550	61.7	341	323	36.3	18
	Both	846	56.4	655	615	41.0	40
1941	Senate	459	63.7	261	225	31.3	36
	House	597	60.5	390	338	34.2	52
	Both	1,056	61.9	651	563	33.0	88
1939	Senate	430	68.1	201	183	29.0	18
	House	855	75.8	273	238	21.1	35
	Both	1,285	73.1	474	421	23.9	53

Source: Illinois Legislative Council, Memorandum 2-000, September, 1953.

* The percentages given are of bills introduced.

APPENDIX C

FINAL STATUS OF BILLS INTRODUCED IN THE 1953 GENERAL ASSEMBLY

	<i>Total</i>	<i>Senate Bills</i>	<i>House Bills</i>
NUMBER OF BILLS INTRODUCED	1,665	661	1,004
ACTION IN CHAMBER OF ORIGIN:			
Died in Standing Committee ^a	341	132	209
Died on 1st Reading ^b	98	19	79
Died on 2nd Reading	25	7	18
Died on 3rd Reading	107	41	66
Subtotal—Died in Chamber of Origin	(571)	(199)	(372)
Passed Chamber of Origin	1,094	462	632
ACTION IN SECOND CHAMBER:			
Died on 1st Reading	7	6	1
Died in Standing Committee ^a	42	17	25
Died on 2nd Reading ^c	50	11	39
Died on 3rd Reading	49	15	34
Died pending 2nd Chamber concurrence	5	0	5
Subtotal—Died in Second Chamber	(153)	(49)	(104)
Passed Both Houses	941	413	528
EXECUTIVE ACTION			
Approved ^d	805	338	467 ^e
Vetoed	136	75 ^d	61 ^d
Total Acted Upon	941	413	528

^a Includes bills tabled in committee and stricken from the calendar while in committee by formal motion of chamber during last few days of session.

^b Most of these bills never actually reached the order of 1st reading. Some were recalled from committee for the purpose of being tabled; others were reported out of committee with the recommendation "do not pass" and were tabled immediately; the remainder were reported out of committee with the recommendation "do pass" but the House non-concurred in the committee recommendation and the bills were tabled, no further action was taken by the House after the committee reported out the bills, or the bills were stricken from the calendar after being reported from committee and before further action on them was taken.

^c Includes bills which were tabled as the result of unfavorable committee recommendations, and bills which were reported favorably by the committee but the house non-concurred in the committee recommendation or failed to take further action on the bills, except perhaps to table the measures or to strike them from the calendar.

^d Includes 4 Senate bills and 3 House bills vetoed in part.

^e Other sources show one less bill vetoed and one more approved, due to the fact that one version of a bill (House Bill 494) was approved and another version of the same bill later vetoed — which bill is here counted as having been vetoed.

Source: Illinois Legislative Council Memorandum 2-000, September, 1953.

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